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January 11, 1956

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Winslow E. Melvin, Transportation Director
Public Utilities Commission
State House Annex
Concord, New Hampshire

SEP 22 1998

CONCORD, N.H.

Dear Mr. Melvin:

Sometime ago Mr. Thornton asked me to consider the Commission's jurisdiction over a certain mechanical conveyance and to advise you in regard to it. The conveyance, as I understand it, is designed to travel upon ice, being driven by an air propeller. However, it is so constructed that it will float if it fall into the water. It is not, as I understand it, designed for operation upon the water.

I would not suppose such a vehicle to be subject to the licensing requirements of RSA 270. By RSA 270:3, registration is required with respect to commercial boats and private boats. These are severally defined.

"The term 'commercial boat' shall mean any
boat . . ." (Emphasis supplied) RSA 270:2 (Par. IV).

"The term 'private boat' shall mean any
boat . . ." (Emphasis supplied) RSA 270:2 (Par. V).

Whether or not, then, a contrivance is a boat determines whether or not it must be registered.

It is a well established rule of law that words used in a statute are to be interpreted according to their common and approved use unless they be technical words or unless they have acquired a peculiar meaning in the law. RSA 21:2. The word "boat", it is believed, should be given its commonly accepted meaning. That meaning is: "A small open vessel, or watercraft . . ." Web. New Int. Dic., 2d Ed., Unab., Page 299. The same authority defines a vessel as (page 2837) "any structure, esp. a hollow one, made to float upon the water for the purpose of navigation . . ."

State of New Hampshire

OFFICE OF ATTORNEY-GENERAL

Winslow E. Melvin

C O P Y

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The contrivance under consideration does not, in my opinion, come within the definition of a boat as thus defined. In such circumstances it does not come within the licensing requirement of the statute first cited.

Very truly yours,

Warren E. Waters
Deputy Attorney General

WEW/aml